

# The Sun

SATURDAY, DECEMBER 27, 1919.

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tutional amendments are among the highest and most firmly established functions of good citizenship. He would probably say that the prohibition in question applied only to the forcible or violent proposal and advocacy of constitutional amendment; but our recollection of the history of constitutional amendments does not indicate much danger of the sort described as to that process of governmental change, whatever might be the case as to revolutionary assaults upon or resistance of authority. The multitude of language here needs to be cleared up.

Much more important is that section of the Sterling bill which appears to establish the Postmaster-General, through the power to censor newspapers and other publications from the mails, in an absolute censorship of the odious sort described by Blackstone and condemned by Storr. Neither in the person of Postmaster-General Buxton nor of any other executive officer is the free press of America prepared to accept in time of peace a censor exercising practically war powers of judgment and suppression. To make an executive officer, and an executive officer very often, like Buxton, surcharged with the energies of partisanship, the final judge of what shall and what shall not be mailable in the way of political discussion is to invest that person with a dangerous power of "prior restraint," or "preventive restraint," in the sense in which the commentators we have quoted above have used the term.

The maintenance of the constitutional freedom of the press is one of the very first duties of Congress. No law should be passed which abridges, directly or indirectly, that guaranteed freedom. Senator BORAH, always, as THE SUN has said, among the foremost in jealous regard for the preservation of the rights of free and responsible utterance, does well to turn his attention to the Sterling bill, not because that measure makes unlawful the advocacy of force and violence for the accomplishment of political, economic or industrial changes, but because it practically makes the enforcement of such illegality the function of a censor and not the duty of a court.

## Good-by Government Operated Passenger Ships.

Having talked ships and planned ships, built ships and bought ships, it must be something of a shock to the American people to learn that the Government is going to sell all the German passenger ships it captured and otherwise got out of the war.

It is a fine fleet of a quarter of a million tons, among them the greatest of all the transatlantic liners, the Leviathan. It is a fleet which directly and immediately cost the United States Treasury nothing. It is a fleet of which performed enormous service to our armies in the war. It is a fleet which can give lustre to our Stars and Stripes afloat. But the Government cannot afford to operate these passenger ships, big or little, swift or slow.

It will be neither a shock nor a surprise to the practical ship operator to hear that the Government cannot compete with other passenger vessels. And the reason is not, as was suggested, that Uncle Sam's vessels cannot, like others, sell liquor on the high seas. Bars or no bars, for soft drinks or hard drinks, there are economic conditions, political evils and fool laws which scuttle the efficiency of American bottoms as against foreign bottoms and of Government owned and operated bottoms as against privately owned and operated bottoms.

In our merchant marine wages are higher than in any other merchant marine. Costs of feeding the crews are higher. Costs of general maintenance are higher. But, as if that were not enough of a handicap, our shipping statutes concocted by labor union politicians compel our vessels to carry more men than are carried on the ships of other nations.

On top of all that economic load there is the fundamental shortcoming of Government ownership and operation. There are more men, they get more pay to the man, but they don't do the work that other men do. They cannot be driven to do it. Whether in the merchant marine, railroad, express field, or whatever the field where business can live against competition only by productive efficiency and superior service, Government operation simply does not function economically.

national business men not foreign to the Spanish. It is not to be in or near Havana, but near Santiago.

Your American with Cuba in mind naturally thinks of Havana. It is the principal port of the American ships which go to the island. The tourist intends to visit other places, like Camaguey, Guantánamo and Santiago, all of which became familiar to the American reader in 1908. But does he follow out his intention? There is so much to see and do in the capital and its suburbs that when all has been seen and done there is likely to be a lack of enthusiasm, money and time for the journey eastward. Cuba looks little on the map, but large when the tourist settles down to study the time table of the trains between Havana and Santiago.

It is impossible that the Cuban should not have noticed this tendency of the American to let the rest of the island go by default after having seen Havana. The present opportunity offers a way to prevent this neglect of the eastern three-quarters of the island. Put the Caribbean Monte Carlo at Santiago, whippersnappers, and the visitor will travel all of Cuba. Once in Havana he will not hesitate at a night's journey to the gambling casino. Should he land at Santiago he will not be content to go home without seeing Havana.

The advantage would be not only to the two cities but to the railroad connecting them; and railroads pay taxes to the Government. Also the tourist would see that real Cuba, with all its beauty, does not perfectly represent.

## Too Costly a Memorial for the Government to Build.

Senator NEWCOMB has introduced a bill which would appropriate \$100,000 for the erection of a memorial building in Evart, Mich., in commemoration of the death of Joseph W. Gurney, formerly of Company I, 128th Regiment, Infantry, the first member of the United States Army to be killed on German soil.

Memorials are good things, but the expense proposed in Mr. Newcomb's bill is too great, for if the country is to spend \$100,000 for a monument to the first American soldier killed on German soil it will have to spend other hundreds of thousands on memorials to the first soldier killed in service, the first soldier killed in France, the first sailor to die, the last soldiers and sailors to die, and so on through a list which would eat up a million dollars.

New York is to build a splendid Victory Hall in memory of the 6,000 or more citizens of this town who died in the war, but it is to be paid for by private subscription. Local pride is fine, but it is at its best when it goes down into its own pocket to pay for its satisfaction and does not call upon the Federal Government to foot the bill.

## The Poor Man in the Court of Justice.

The Carnegie Foundation, with its vast record of usefulness achieved and its vast opportunities of public service by influencing public opinion in the right way, might be better employed than in publishing and circulating literature like the report of Mr. R. H. Smith of Boston entitled "Justice and the Poor." From this report our neighbor the Times prints this astounding statement:

"The administration of American justice is not impartial; the rich and the poor do not stand on an equality before the law; the traditional method of providing justice has operated to close the door of the courts to the poor and has caused a gross denial of justice in all parts of the country to millions of persons."

We say that the Carnegie Foundation might be better employed. The sweeping statements of the Boston lawyer in condemnation of the general administration of American justice are not only manifestly calculated to breed discontent of a most pernicious and dangerous kind but they are, in the opinion of THE SUN, as of the Times, devoid of the proof that would warrant them. A committee of the Justices of the New York Municipal Court, a tribunal where certainly poor and rich stand on equal footing, has been quick to challenge Mr. Smith's facts and conclusions so far as this city is concerned. As the Times asks, if he was wrong here what reason is there to believe that he is right elsewhere?

No doubt poor men have suffered by the law's delay, by the cost of litigation, by the defects and mistakes inseparable from every great human institution. But so have the moderately prosperous; so likewise have the rich. The danger of such pernicious generalizing from individual instances of hardship is in its false teaching about the attitude of American justice toward its appellants.

We know of nothing worthier of publication by the Carnegie Foundation as an antidote to the subtle poison it is dispensing in the Smith Report than this comment by one of the leaders of the New York bar: "The truth is that the rich are discriminated against, and I assert to you from an experience of forty years at the bar in all the courts and with litigation affecting all classes that the poor are generally favored by the judges and juries."

## Characters That Offend.

A committee of the Newark Board of Education recommends that "The Merchant of Venice" be removed from the curriculum. It is explained that Shylock makes a wrong impression on some of the children, who "are not analysts." While the committee is at it it should go right through literature and make up an Index expurgatorius of fiction characters which may offend or mislead.

There are lines in "Hamlet" which may not be music to the ears of more than one nationality. Away with Hamlet himself! It is notorious that "Martin Chuzzlewit" sends the children of American real estate men home with false ideas of papa's business. Exit Martin. The "Three Musketeers" is objectionable because Portos violated all the dietary canons. There is too much class consciousness in "Cinderella." "Bluebird" may shock a Mormon. "Barnaby Rudge" is offensive to pupils who are red headed and deficient. The exploits of Hamlet's Ah Sin should not be recited in the hearing of a Chinese child. Harry Sandford offends the bad boys. Magua, in "The Last of the Mohicans," reflects on Indians.

Take away all the perturbing characters in literature. The only safe classics are the census reports.

## Hiding in a Rich and Generous Giver's Shadow.

From the directors and workers who are raising money for universities, hospitals and other institutions serving the public but depending for support wholly or in part on funds derived from private sources comes complaint that because of misunderstanding of the terms of great gifts such as those made by Mr. Rockefeller and Mr. Frick, a good many persons who ought to open their pocketbooks don't. They figure that so much has been given no more is needed, and, as THE SUN has heretofore pointed out, new difficulties arise in the never easy path of the collectors, to overcome which they must produce new arguments and facts.

The truth is that the great gifts of the rich man do not abate the willing to do man or the poor man from giving his share. Because Mr. Rockefeller can and does give \$500,000 to education, John Doe, who might give \$10,000, or Richard Roe, who might give \$100, or Mary Roe, who might give \$10, is not released from any obligation.

Mr. Rockefeller's gift is not intended to relieve others of their duty to help. It ought to stimulate them. Instead, Mr. Frick's will was not drawn to pay the dues of Roe and Doe in the worldwide society of humanitarians. It was drawn to pay Mr. Frick's dues. The man who says Mr. Rockefeller or Mr. Frick paid for him adopts a cowardly and discreditable subterfuge.

Every gift, great in size or small in size, received by a university, or hospital, or any other institution which serves the public except in the narrowest sense, entails on the authorities who are to administer it the obligation to extend their work, to venture into new fields, to start additional departments, to enter on new commitments. The usefulness of the institution must be increased, and consequently its expenses will be higher. New money must be found to meet new costs.

The more they have, the more they want, and the more they ought to get from the public.

"Twas the day after Christmas and all through the house the doctors were busy attending victims of home brewed stimulants.

A recently invented telephone device which enables several conversations to be carried on simultaneously over one circuit is called "wireless." When mechanical genius succeeds in dispensing with the wire the world will undoubtedly be called on to recognize the invention as "wireless wired."

Newark has adopted a plan for throwing a brilliant spotlight on traffic policemen on night duty at fixed posts. The illumination is expected to serve a double end: to guide errand boys in the habit of bowling over crossing policemen they have mistaken for shadows or against whom they cherished a grudge and to enable more careful drivers to see traffic signals waved to them. The plan is capable of extension and variation. Visiting geniuses seeking enlargement of the circle of those who do upon their plays or morals or puerilety yet find themselves lacking some degree of public attention as would satisfy their or their managers' hopes could attract large and merry crowds if in their nightly strolls they were made like unto moving torches. A little additional ingenuity exercised by their press agents would accomplish this and add to the interest and illumination of popular thoroughfares.

The Bolshevik courier captured on his way to this country laden with letters, jewels and money may have hoped to meet the Buford in mid-ocean and deliver his messages to her Russia-bound passengers. If anybody wants to see a Bolshevik now prominent in the United States, the place of meeting should be arranged after consultation with the authorities in charge of deportations.

"Wilson has had one Postmaster-General," sneers the World, referring to frequent Cabinet changes, "and Roosevelt has only five." How long does the World think a Burleson would have lasted under a Roosevelt?

It will probably take SANTA CLAU until next Christmas to recuperate after having ascertained who impersonated him at Amerongen.

## WORNOUT TIES AS FUEL.

The Railroads Have Been Trying to Avoid Waste of Wood.

To THE EDITOR OF THE SUN—Sir: Referring to the letter in THE SUN of December 9 entitled "Why Waste the Wood?" directing attention to the burning of wornout railroad ties and criticizing the railroads for the wasteful destruction of much needed fuel; I hold no brief from the Director-General or other railroad officials to speak on this subject, but feel that the public is entitled to know that the disposition of wornout ties has always been a troublesome question and has received great consideration from railroad officials.

The cost of gathering such ties from the right of way must be considered, and the danger of allowing the public to go upon the right of way to salvage the ties is obviously great. Without going into argument in the matter, I am sure the public will be interested to know that the regional director of the Eastern district issued a circular April 19, 1918, to the Federal managers and other railroad officials, from which I quote as follows:

Ties that are removed from the track and that are worthless through decay for fuel, or which are impregnated with chemicals which would make them objectionable for fuel, can be burned.

Ties removed around cities and villages and near cross highways, where they could be distributed by wagons to communities that consume coal, should be piled (That is, those which are at for fuel).

If the ties are located on outlying branches or at other peculiar locations where fuel is not an object of importance and where no placing up and transporting to a market would be unduly expensive they may be burned immediately.

On certain lines with dense traffic, and within cities, ties removed will have to be disposed of currently as refuse, such as within the limits of New York, on the embankments around Chicago, and at other large cities.

Continued to give roadway laborers and farmers and others a number for their own domestic purposes, to be removed without expense to the company, where such has been the practice.

In June, 1919, the director of the Allegheny region issued a circular to Government controlled lines, from which I quote as follows:

It is desired that ties that have served their life in the track be so disposed of as to conserve the fuel which is due consideration being given to the cost of labor and transportation involved in their conservation.

A recent canvass of all of the divisions of one of the large carriers in the Eastern district developed the fact that practically no old cross-ties have been burned along the lines of the railroad, they have to a great extent been disposed of in burning and other work. Such ties as could not be so used were sold to industries or furnished to employees along the line, and experiments have been made to determine the economic use of such old ties in the making of charcoal.

As is generally the case, the public condemns what it does not understand; and while the subject of the disposition of old ties is not of great importance compared with the railroad problem, still the fact is common for the public to draw conclusions as to efficiency or non-efficiency from the treatment of minor matters.

CHARLES HANSEL.  
New York, December 26.

## NO HIGH SCHOOL YET.

Hopes of Washington Heights and Inwood Are Disappointed.

To THE EDITOR OF THE SUN—Sir: The dream of Washington Heights and Inwood of obtaining a new high school is fading into oblivion in spite of all the agitation of the last year. And with the dream goes the hope of the parents of hundreds of children living on the Heights or in Inwood. Present appearances indicate that another year must elapse before the Board of Education will take up the matter again and in the meantime the same old conditions will prevail in the frame structure at Academy street and Broadway which those charitably inclined call a high school.

The matter of a new high school for Washington Heights and Inwood is a contention between the school authorities and the residents for a long time. It is understood that promises have been made to relieve the congestion by erecting a new school, and apparently matters were proceeding serenely when it became known that a few days ago a resolution was submitted to the Board of Estimate by the school authorities asking for funds to buy a site for the Julia Richman High School. This action of course signified that the Washington Heights high school had been passed by for the time being, because it is said that only one high school can be included in the building programme.

Naturally the residents of the Heights and Inwood do not begrudge any other district in the city the acquisition of a new high school, but they fail to understand in view of the promises given in the past that the Washington Heights high school should be the first to be built. It has been decided to allow this well populated district in upper New York to linger on without a new high school. Those familiar with the school conditions up town say that a new high school is urgently needed to relieve present crowded conditions, but apparently the school authorities think otherwise.

New York, December 24.

## A Youthful Kansas Van Winkle.

From the South County Pioneer.  
Wallace, fifteen-year-old son of Mrs. Carl Anderson, chose rainy Tuesday night for an extended walk in his sleep. His mother missed him from the house and family turned out to look for him. He was finally found, drenched to the skin but still asleep, near the stable.

## Ole to Rhode.

(Verifying the eulogistic remarks of a former consumer.)  
Here's to Rhode, little Rhode!  
Here's to Rhode, little Rhode!  
And the forefront of this nation—  
Yes, a Providence plantation!

## Here's to Rhode, little Rhode!

Here's to Rhode, little Rhode!  
May she—may one say—go sleek!  
Gleam over her size,  
An original package prize!

## Here's to Rhode, little Rhode!

Here's to Rhode, little Rhode!  
Should a diet of old crew  
Be imposed by court decree,  
We'll bow with humility!

## Here's to Rhode, little Rhode!

Here's to Rhode, little Rhode!  
May she kill the ice cream so  
As a tipple of grown men!  
Here's to Rhode then—may wient!

## Here's to Rhode, little Rhode!

Here's to Rhode, little Rhode!  
Beat the band and start to dance,  
For the one and only Rhode!  
Here's to Rhode then—may wient!

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## THE POCKET VETO.

A Veteran Student of the Constitution Points Out a Singular Discrepancy.

To THE EDITOR OF THE SUN—Sir: You have several times, and most recently on December 12, called attention to the erroneous discrimination between a joint resolution and a concurrent resolution of Congress in respect of requirement of Executive approval, citing in support of your view clause 3 of section 7 of Article I of the Constitution, as follows:

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in case of a bill.

But what seems to have escaped attention in the discussion is the fact that notwithstanding the language of this clause there is a significant difference between a bill and a joint or concurrent resolution in respect of the conditions under which either is to become a law.

By clause 2 of section 7 of Article I of the Constitution it is provided that a bill may become a law in one of the three following ways: (1) by approval of the President; (2) by passage over the veto of the President; and (3) by retention by the President for ten days after presentation of the bill to him.

On the other hand, according to clause 3 above quoted, a resolution as distinguished from a bill may become a law in only one of two ways, namely: (1) by the President's approval and (2) by passage over his veto. The clause does not provide that, as in the case of a bill, a resolution may become a law through retention by the President for the period named.

Obviously the result of this is that the President may exercise the "pocket veto" respecting a resolution and thereby effectively prevent its becoming a law, the will of Congress to the contrary notwithstanding.

HENRY E. DAVIS.  
WASHINGTON, December 26.

## ASIA'S HOARDED WEALTH.

Chinese Currency and the Drain of Gold to the Orient.

To THE EDITOR OF THE SUN—Sir: There is an all important error in the letter you publish from M. G. Passeri on the Chinese currency. He writes:

Practically every trade centre in China has its own "tael," which is always an ounce of silver weighed on the local scale, of a fineness that varies in the different towns.

The Chinese tael is not an ounce of silver but an ounce and a third. On page 12 of THE SUN of December 24 you quote quite correctly the Shanghai tael exchange at \$1.60. How could an ounce of silver in Shanghai be worth \$1.60?

And as an odd correspondent of yours on this dull problem of exchange permit me to put in a word with reference to your editorial article on "Fluid Gold and World Flow." You think that "by the triangular readjustment of international banking the gold which we sent to the Orient (India and China) may find its way to London." This view, a most dangerous misconception, has already proved the parent of infinite disaster. Since in 1893, and in defiance of every warning, England changed the standard of value in India from silver to gold, we have pitched 250,000,000 gold sovereigns into the small hands of India, never to return, irretrievably lost to Western trade and the exchange. That drain, India being now the "sink of gold," has destroyed England's "gold standard," as for a quarter of a century in your columns I have foretold. It will next destroy yours. The favorable trade balance of Asia, at present gold prices, will if paid in gold drain you dry in the coming quarter of a century.

NEW YORK, December 26.

## GOVERNMENT MAPS.

A Wreck Due to an Incorrect Chart of the Long Island Shore.